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S P E E C H

OF

HON. J. M. HOWARD,

KN. THIR

SENATE OF THE UNITED STATES, JANUARY, 1864.

ON THE

MOTION OF MR. WILSON OF MASS. TO EXPEL MR. DAVIS OF
KY FOR OFFERING A SERIES OF RESOLUTIONS IN THE SENATE
TENDING TO INCITE INSURRECTION THE QUESTION
BEING ON MR. HOWARD'S MOTION TO
AMEND MR. WILSON'S SO AS TO
CENSURE AND NOT EXPEL
MR. DAVIS

WASHINGTON.

IF FORKINDLY CHIEF 376 AND 377 D STREET NEAR SEVEN

1864

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SPEECH OF HON. J. M. HOWARD, OF MICHIGAN.

Mr. HOWARD. Mr. President, I deeply regret that a sense of duty as a member of this body should require me to act the part I am about to act in reference to the Senator from Kentucky. I have known him for more than twenty years. I had the pleasure to be associated with him as a member of the Twenty-Seventh Congress, and during that turbulent and agitating period had occasion very frequently to admire his frankness, his patriotism, and his devotions to his principles—principles in which I sincerely sympathized with him. We were both acting in promotion of the same political objects, both in the same political party, and I confess, sir, that when I look back upon those ancient scenes, my feelings are hurt to be obliged to throw myself into a position of antagonism to him who was then my friend and political associate. But for all this, sir, he must pardon me, at least excuse me; I feel that there is a duty due from me to this body and to the country, and that duty impels me to take a somewhat particular notice of the series of resolutions offered by the Senator from Kentucky, which form the foundation of the resolution of the Senator from Massachusetts for his expulsion.

On the 5th of January, the honorable Senator from Kentucky presented to this body a series of very singular resolutions, and asked the Senate to order them to be printed. The Senate made the order. They were printed at the public expense, and are now pending before us. They are resolutions intended for consideration; we are asked to pass our judgment upon them. We are asked to vote on them, and to adopt them as the sentiments of the Senate of the United States, one of the legislative branches of the Government. In the course of this singular series, the Senator from Kentucky, after alleging various grounds of complaint against the Executive Government of the United States and the action of what he calls the dominant party in the loyal States, uses this language:

“Verily, the people North, and the people South ought to revolt against their war leaders, and take this great matter into their own hands, and elect members to a National Convention of all the States, to terminate a war that is enriching hundreds of thousands of officers, plunderers, and spoilsmen in the loyal States, and threatens the masses of both sections with irretrievable bankruptcy and indefinite slaughter; and to restore their Union and common Government upon the great principles of liberty and compromise devised by Washington and his associates.”

And it is for the utterance of the sentiments contained in this clause which I have read that the Senator from Massachusetts offered the resolution for his expulsion. Now, sir, I think I may say, without vanity, that I am too old and too well acquainted with the import of the English language to find it necessary to resort to dictionaries, whether English, French, or Latin, for the purpose of ascertaining the meaning of the word “*revolt*.” It is not capable of discussion or disputation in the connection in

which it is used in this sentence. The implication is plain and irresistible that the word "revolt," as used here, is a revolutionary rising against the Government of the United States; an insurrectionary, violent, and bloody rising against the Government of our common country. Such I regard as its meaning. The school-boy in the gentleman's own State, fifteen years old, is just as capable of giving the true interpretation of this language as he is or as I am. He is under no misapprehension in regard to it. When he hears the word "revolt," in this connection, the idea at once and irresistibly suggests itself to his mind that the thing intended is a violent, unlawful revolution against the Government, a bloody insurrection, the object and aim of which are the entire subversion and overthrow of the Government of the United States as now administered.

Sir, I cannot sit in my seat in this body and allow sentiments of this sort to be uttered without expressing my rebuke in some form or other. We are engaged in a war, a civil war: if you please, sir, a fratricidal war; a war which is exacting from us the exertion of all the faculties of the Government, the people, the nation; a war not merely for the restoration of the Government in the insurrectionary districts, but for its preservation and perpetuation for all time to come; a war which is covering our land with blood. It has already drenched the fair fields of Kentucky with fraternal blood. There, as in other places, brother rises up in arms against brother, son against father, and father against son. The issue is simply this: whether we shall maintain the authority of the Government of the United States as established by the Constitution, or whether we shall abandon the struggle, giving the rebels their way, and finally succumb in our effort, thus acknowledging that there is not in the Government of the United States vigor sufficient to maintain its own authority, its own existence. It is at this anxious moment, in the midst of this deadly struggle, that the Senator from Kentucky asks the masses of the people to rise against their rulers in tumultuous insurrection, and by a revolt hurl them from power.

But, sir, the Senator from Kentucky denies that such a meaning is fairly to be imputed to his language. I intend to treat both him and his resolutions fairly; and in what I have to say I shall observe the plain duty incumbent upon me, to confine myself exclusively to the record which he has made of his own opinions; that is, to the resolutions he has submitted to the Senate. The Senator from Kentucky declares in a speech which he made to the Senate by way of comment on these resolutions:

"Now, Mr. President, I ask gentlemen to read this whole series of resolutions. I deny that there is a sentiment or an exhortation in them inviting to insurrection, rebellion, or war, or military violence."

He then proceeds in the course of his remarks to read two of his resolutions, and again declares:

"I utterly controvert the position that there is any insurrection invited or stimulated in these resolutions, or in any one of the series. The resolutions institute, or attempt to institute, a bold and frank investigation of the principles and measures of this Administration." &c.

Mr. President, the resolutions of the Senator from Kentucky, are before this body subject to be acted upon, and he is desirous that we shall act upon them. It is not for him, having thus written out the instrument and submitted it for our consideration, to set up to be its sole expositor. He is not at this stage of the proceeding to be allowed to give it his own particular gloss or peculiar comment. It is for us as well as him to construe and interpret the instrument: and he must certainly

have the charity to believe that some of us at least are equal to himself in the power of analysis in matters of language, and that we are as able as he to comprehend the meaning which this written instrument expresses. I cannot, for one accept his commentary. I must be bound by the meaning as expressed in the instrument, and not in the commentary.

I shall now ask the indulgence of the Senate for a few moments, while I call their attention to a few clauses and expressions contained in this series, for the purpose of ascertaining, if possible, from those clauses and expressions, what were and are the Senator's real opinions and sentiments, his real design in offering the resolutions: and I will begin with the very sentence which is the foundation of the resolution now before us. The Senator from Kentucky says:

"Verily, the people North and the people South ought to revolt against the war leaders, and take this great matter into their own hands."

The people North and the people South ought to do this. They ought to take this great matter, that is the war, the question of the continuance or discontinuance of the war, into their own hands. Can it be doubted that the meaning of this language is, that it is the duty or the right of the whole people North and South to take the matter of this war into their own hands, without any reference to legislation, without any reference whatever to an election, or to any other matter or thing, and to dispose of it in their primary popular capacities without reference to law, Constitution, or anything of the kind? It seems to me there can be no doubt of it. The people North and the people South are called upon to revolt against their war leaders. Who are their war leaders? Not solely the President of the United States and the Executive Government, but both Houses of Congress. The Congress of the United States have the power to control this war in all its particulars. The Congress of the United States vote supplies of men and money for the prosecution of the war: and if there are war leaders, it is as plain that the two Houses of Congress come within this category as that the President comes within it. The Houses of Congress are war leaders. The President is a war leader. His generals in the field are war leaders. The Senator from Kentucky invokes the people North and the people South to rise—revolt against their war leaders, and take the issue of this war into their own hands, without reference to law, without reference to the action of Congress, or to any other instrumentality known to the Government. He proceeds:

"And elect members to a national convention of all the States, to terminate a war that is enriching hundreds of thousands of officers, plunderers, and spoilsmen in the loyal States, and threatens the masses of both sections with irretrievable bankruptcy and indefinite slaughter: and to restore their Union and common Government upon the great principles of liberty and compromise devised by Washington and his associates."

How is this convention to be elected? He calls upon the people in their original capacity, both at the North and at the South, to revolt, to take the question of this war into their own hands, and elect a national convention. The Senator from Kentucky knows well enough that it is not competent for the people of the United States, whether at the North or at the South, to elect members of a national convention for any purpose whatever without the consent of Congress. There are but two modes of amending the Constitution. The first is, where the Congress shall recommend or propose certain definite amendments to be acted upon by the various States. The second mode, where two-thirds of the several States of the Union call upon Congress to call a national convention: but no national convention can possibly exist, let me tell the

Senator from Kentucky, without the consent of the body of which he and I are members.

This resolution entirely ignores the legal forms required by the Constitution. Instead of calling upon Congress to summon a national convention, instead of calling upon the State Legislatures to instruct Congress to do this, the Senator from Kentucky calls upon the people to rise in their primary capacity and meet in national convention and so amend the Constitution as, in his language, "to restore the Union and Constitution upon the great principles of liberty and compromise adopted by Washington and his associates."

That clause of his resolutions is plainly no appeal to any constitutional mode of altering the Constitution, but one directly to a revolutionary mode of doing so. Where would it end? Who could control the results? Who would be under an obligation to obey the final decree? What people are to be called together in national convention for this great purpose? Would the Senator from Kentucky allow the rebels in arms to participate in this convention? Certainly he would! Certainly he invites it! The resolution recognizes the right of the rebels in arms to participate in this "election" as much as the loyal people at their quiet homes. It would appear from this that, so far as the Senator is concerned, he is just as much attached to the rebels now seeking to destroy the Government of his country, and to expel him from his home and his fireside, as to the loyal portion of the population now endeavoring to resist their bloody violence. Sir, this is a spirit of charity toward the rebels, I confess, in which I do not sympathize. I do not understand that kind of loyalty which occupies an attitude of indifference between parties like those now engaged in deadly combat the one against the other. Such a position of neutrality is monstrous: it is hostility. There is no middle ground or post of indifference which can be occupied by any true man. In this contest he who is not for us is against us.

But, sir, the animus and purpose of the Senator from Kentucky are further developed in the few passages from his resolutions which I shall now proceed to read. He says:

"That the present Executive Government of the United States has subverted"—

"That is, destroyed, annulled, put out of existence—

"for the time in large portions of the loyal States, the freedom of speech, the freedom of the press, and free suffrage."

I will not pause to inquire into the pretended facts which in the mind of the Senator from Kentucky may serve as a foundation for this strange assertion. I read it for the purpose of showing the animus of his resolutions, for the purpose of showing the very thing he had in view when he called upon the people North and the people South to revolt against their war leaders. One of the reasons for this revolt is,

"That the present Executive Government of the United States has subverted for the time in large portions of the loyal States the freedom of speech, the freedom of the press, and free suffrage."

If this be founded in truth, if there be evidence of the fact affirmed in this declaration, then this complaint against the Government of the United States, may be regarded as well founded. The complaint is that the Government has subverted these precious privileges belonging to the American people. If the Executive Government has thus subverted and destroyed them, it would follow not only in the mind of the Senator from Kentucky, but in that of every freeman, that the Executive Government itself ought to be brought to justice in some form or other. But whether true or false,

one of his reasons for invoking the masses of the people of the United States to revolt against the authority of the Executive Government and the authority of Congress; he believes it to be true, and so believing recommends—what every freeman of proper spirit would recommend in case no other remedy were practicable—a revolt against the intolerable oppression.

I may be imperfectly informed upon the subject of this alleged suppression of the freedom of the press and of speech; it is very possible that I may not possess all the information upon this subject possessed by the Senator from Kentucky; but so far as I have been informed, and so far as I believe, there has been no case, and I challenge the Senator from Kentucky to produce a single case where there has been any attempt on the part of the Executive Government, in wielding the military power of the nation, to suppress any newspaper or suppress free speech in any form whatever, where that free speech has not indicated a heart at war with the Government of the country, and a sympathy with the traitors in the field—not a case! Is that the kind of free speech which is so near and dear to the Senator from Kentucky? Would he, if the question were put to him to-day, say to every editor within the limits of the United States, whether loyal or disloyal, “I shall not by any means be displeased to have you denounce the Government of your country, and by means of your press to stir up insurrection and resistance to the authority of your Government?” Would he say to any editor that such conduct was proper or even allowable? No, sir; he would not. It is impossible that a loyal man could hesitate for one moment on a such a question.

Freedom of the press! Sir, what is it? What is that peculiar franchise or privilege which we mean by the “freedom of the press?” The Constitution declares that Congress shall pass no act abridging the freedom of speech or of the press. I need not say to the Senator from Kentucky, that the sole meaning and intent of that clause is, that there shall be no censorship of the press exercised before publication. It was simply intended as an abrogation of that prerogative of the Crown of England by which, in ancient times, the King assumed the power of licensing the printing of books, and prohibiting the publication of any but such as were protected under his license. What do our leading statesmen and jurists say on this subject? Let me read one word. Justice Story, in his Commentaries, remarking upon this same clause, the freedom of the press and the freedom of speech, uses this language:

“It is plain that the language of this amendment imports no more than that every man shall have a right to speak, write, and print his opinions upon any subject whatsoever, without any prior restraint, *so always that he does not injure any other person in his rights, person, property, or reputation, and so always that he does not disturb the public peace, or attempt to subvert the Government.*”

This language does not seem to justify the idea that a restraint upon a disloyal press, vomiting forth its treason day by day, stirring up discontent, mutiny, and even violence among the loyal people, is a violation of the Constitution of the United States, or a violation of the freedmen of the press. Like other rights, this is to be used in subordination to the public welfare—used to support and not to destroy the Government; and he is little better than a madman who claims to use it for the very purpose of breaking in pieces the shield by which it is protected.

But, again, the Senator from Kentucky, to justify his invocation to the people North and the people South to rise in revolt against their Government, uses the following language. Speaking of the executive Government of the United States, he declares that—

“It has ordained at pleasure a military despotism in the loyal States, by means of

"courts-martial, provost marshals, and military forces, governed neither by law, principles, nor rules, from whose tyranny and oppressions no man can claim immunity; all of which must be repudiated and swept away by the sovereign people."

"All of which"—that is, courts-martial, provost marshals, military forces—"must be swept away"—not by law, not by an honest, peaceable election, but "by the sovereign people." Sir, I regard this as a direct invocation to the people of the United States to rise in insurrection against their Government for the purpose, among other purposes, of abolishing and doing away with courts-martial. Courts-martial are to be "swept away by the sovereign people." I ask the Senator from Kentucky to inform me in what way the sovereign people are to sweep away courts-martial and provost marshals and military authority? In what way is he reach the this object? In no other but by moderate violence. Courts-martial are a part of the Constitution of the United States. The Senator need not be told that they are as much provided for, and their existence and functions as completely guaranteed, by the Constitution as are civil courts for the trial of issues between man and man, or for the punishment of crime. An amendment of the Constitution of the United States declares, what was not embraced in the old Constitution, that

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, *except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger.*"

How are the sovereign people to change that clause of the Constitution: how but by rising in revolt against the Government of the United States, and their constituted authorities? Can Congress by any act of legislation abolish courts-martial, whether they are good or whether they bad? No, sir, the Constitution has guaranteed their existence: and I beg to inquire of the Senator from Kentucky in what way he would administer justice and punish crime in the military or naval service of the United States if not by means of courts-martial and provosts marshal, appointed for the purpose of performing the functions properly pertaining to them? Sir, this is a declaration directly against the Constitution of the United States. It invokes insurrection. It was intended to invoke insurrection for the purpose not of preserving the Constitution, for the Constitution preserves courts-martial, but for the purpose of overthrowing the Constitution. Such is the blind hatred, it would seem, of some persons—I wish I could except the Senator from Kentucky—against courts-martial.

But all this, it seems, "must be repudiated and swept away by the sovereign people." What sovereign people? The "people of the North and the people of the South?" the rebels as well as the friends of the Government? It would seem so. What is meant by "sovereign people" in this connection? Plainly an unorganized tumultuous gathering. This Government is a representative democracy: a Government in which the people acting in their primary capacity have nothing to do with the enactment of laws. That duty is performed by the representatives chosen according to the forms prescribed by the laws where the elections are held.

Again, sir, the Senator from Kentucky declares,

"That as the Constitution and laws afford no means to exclude from the office of President a man appointed to it by military power, or who is declared to be chosen to it by reason of the suppression of the freedom of election, as by the exclusion of legal voters from the polls, or by any other means, the people of the United States would be incompetent to defend and unworthy to have received the rich heritage of freedom bequeathed to them by their fathers, if they permit that great office so to be filled, or in any other mode than by their own free suffrages."

We are to have a presidential election in the coming November. A President is to be elected, not by the people, but by electors chosen for that purpose by the people. The Senator from Kentucky had this fact in view. He was aware that the people do not choose the President. They choose the instruments who choose the President. If I understand this resolution properly, its meaning and intent is this: that in case any portion of the people of the United States shall, after this election, take it into their heads that there was military interference at the polls, that the army or military officers of the army had in any way intererred in the elections held by the people for the choice of electors of President, then it will be the right of that discontented portion, however few or however numerous that portion may be, to declare that the election of President under such influences is void: that the President elect will have no right to assume the presidential functions, and must be prevented by force. A more direct invocation to violence and bloodshed, a more direct appeal to the discontented or defeated portion of the people of the United States, cannot be made. It is declaring almost in so many words that "if you, the dominant party, shall elect a President, and at the polls where this election is held military power shall have been introduced for any purpose whatever, we, the defeated party, will rise in rebellion and prevent, by force, your President from being installed in office."

In order to cap the climax and to give emphasis and point to this strange revolutionary sentiment, the Senator says that unless the people of the United States shall thus resist they will be "*unworthy to have received the rich heritage of freedom bequeathed to them by their fathers.*" Sir, our fathers bequeathed to us a Government of law. Our fathers did not bequeath us a Government by an unorganized and infuriated mob.— This is not the sort of constitutional freedom and compromise which the gentleman mentions in another resolution as having been handed down to us by Washington and his associates. Washington and his associates resorted to no popular violence. They made no invocations to unorganized popular assemblages. They were law-abiding statesmen. They were the fathers of the Constitution. Nobody was more sensible than Washington of the necessity of preserving order under the shield of law. But here the Senator from Kentucky, forgetting, as it seems to me, that he is acting under a Government of law, utters an appeal for the future, and says to the defeated party, after the election of 1864 shall have taken place, "if you are defeated, and if you declare that that defeat was in consequence of the interference of military force, it will be your duty as freemen to interfere by violence and to prevent the installation of the President and totally disregard the election." If that be not a revolutionary sentiment, an unconstitutional sentiment, I am not able to perceive what will be. It is because the Senator from Kentucky foresees, or professes to foresee, this interference, that he calls upon the people North and South to revolt against their war-leaders and take this matter into their own hands.

Again, in this indictment against the Executive of the United States, and Senator from Kentucky alleges that

"His [the President's] project is to continue the war upon slavery by his further usurpations of power, and to get together and buy up a desperate faction of mendicants and adventurers in the rebel States, give them possession of the polls by interposing the bayonet, as in Maryland, Delaware, and portions of Missouri and Kentucky, and to keep off loyal pro-slavery voters, and thus to form bastard constitutions to abolitionize those States."

This is another count in the indictment, that the project of the President of the United States "is to continue the war upon slavery by further usurpations of power,

and to get together and buy up a desperate faction of mendicants and adventurers in the rebel States." Who compose this "desperate faction" in the contemplation of the Senator from Kentucky? Who are these "mendicants" and "adventurers?" They are those people in the rebel States who come within the purview of the President's proclamation of the 8th of December last. Let us see whether they are worthy to be called "mendicants," "a desperate faction." The President in his proclamation, speaking of the disloyal population of the States in insurrection says:

"A full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and therefrom henceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit."

Now, what is the test, the evidence of their being "a desperate faction" and "mendicants?" It is the taking of the oath which the President has prescribed in order to enable rebels who have been in arms against the Government to return to their allegiance, and again enjoy the protection of the Government:

"I, ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

Such is the oath directed to be administered to the repentant rebel. The President goes further, and declares as follows:

"And I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the presidential election of the year of our Lord 1860, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or the Executive, (when the Legislature cannot be convened,) against domestic violence."

It is this wicked, abominable oath, opening the door for the rebel population to return to their old loyalty, and thus to frustrate the schemes of their leaders, that moves the dislike of the Senator. It would seem that such a return on such terms is regarded by him as a calamity or a disgrace, and therefore he heaps upon them the epithets of desperate faction and mendicants.

This class of persons, the repentant rebels, who, like the prodigal son, having seen the folly of their ways, shall return to their allegiance and take this oath, are to be

regarded as the State, or as that portion of the people authorized to reconstruct and change it from a rebel State to a loyal, Union-loving State. Such are the "mendicants," such the "desperate faction" at which the Senator from Kentucky aims his poisoned shafts in these resolutions. Do these harsh epithets wantonly bestowed upon the repentant rebels for coming back into the Union and acting as a State government indicate a very strong love of the Union, or the Constitution, or the Government, on the part of the Senator from Kentucky? No, sir. If any inference is to be drawn from them, it is one of complete and bitter hostility to them and to the Government of the United States who is ready to receive them; and it is because the Union may possibly be restored by the means pointed out by President Lincoln in his proclamation that the Senator from Kentucky thus calls upon the people of the North and South to rise in revolt against their war leaders. What patriotism! what love of the Union! what hatred of the rebellion!

Again, sir, as further proof of the animus and purpose of the Senator in presenting these resolutions, he goes on to tell us what are the real objects of the class or party he calls the "destructives," including Abraham Lincoln, the President of the United States:

"Their real objects are to perpetuate their party power, and to hold possession of the Government to continue the aggrandizement of their leaders, great and small, by almost countless offices and employments, by myriads of plundering contracts, and by putting up to sale the largest amount of spoils that were ever offered to market by any Government on earth. Their object is not to eradicate slavery."

I will say at this point that, so far as I am concerned, in this supposition, the Senator from Kentucky is entirely mistaken so far as relates to the insurrectionary districts. I desire to say in all frankness as to those States and those districts which are declared to be in insurrection, that for one I am in favor of abolishing slavery for ever; because I think it, not perhaps the only cause, but one great predominating, leading cause of this bloody and wasting war; and I express it as my opinion that the loyal people of the United States never will have permanent peace and tranquility, never be able to enjoy that peace which once was theirs, if they permit this great cause of disturbance to survive the struggle. For one, I say that I am in favor of the absolute, total, and eternal extirpation of slavery, at least within the limits of the insurrectionary States; and I think the people of the United States will be very unwise if they do not take vigorous and effectual measures for attaining that great object. But the Senator proceeds:

"Their object is not to eradicate slavery, but only to abolish its form and the mastery; to subjugate wholly the rebel States, and utterly to revolutionize their political and social organization."

Sir, we have heard a great deal about "subjugation," and the word is hung in our faces very frequently. It would seem to be implied by the frequent use of the word that there is, or ought to be, something in it extremely inhuman and odious. It is held up as a sort of scarecrow by the sympathizers with the rebellion to frighten off all effort on the part of the loyal people to restore the authority of the Government. I have no hesitation in proclaiming that I am in favor of the subjugation of the rebels and the subjugation of the rebel States; but when I use the word I use it solely in the ordinary sense of conquest. The subjugation of a people is the conquest of a people. The conquest of a people is the deprivation of all their military power. To conquer them is to deprive them of the power of military resistance; but it by no means implies those acts of atrocity, cruelty, and wanton barbarity which persons who use this word "subjugate" mean when they use it as a scarecrow. Subjugation is conquest: no more, no less.

I ask the Senator from Kentucky, I ask every senator here, what is it that we are now doing in the rebel States? Are we not subjugating them? Are we not breaking up and dispersing their military forces, prostrating their military strength? And what is this but the subjugation of the people? The subjugation of a people is the occupancy of their territory by a military force sent there for the purpose of conquest, for the purpose of overthrowing the hostile government and the hostile power. Although I have read pretty carefully the law of nations and the law of war on the subject of our present difficulties, I have not been able to find any distinction between the conquest or the subjugation of a rebellious territory and a rebellious people and the subjugation and conquest of a foreign territory or a foreign people; and I tell you, sir, that your modern scholiasts will search in vain for any distinction between the two cases.

Sir, what is war? It implies violence, the use of the highest degree of force competent for a people acting as a nation to employ. It is a question of superior strength; and I know of no boundary, no limit to the exertion of the power of carrying on war but the ordinary sentiments of humanity. And I know of no law but the law of war to govern us in our conflict with the rebels. These men have gone out from among us without having suffered wrong. They never felt the weight of the Government, except as it bore upon them with gentleness, imparting blessings and breathing encouragement and a sense of security into their souls. Never has the Government of this country injured the hair of the head of a rebel. They have gone out from among us under the false pretense that they foresaw in the future that they should lose their just political power and influence in the Union. They have drawn the sword wantonly and wilfully upon the Government and loyal people of the United States. Carried away with the vain idea, the gross and childish conceit, that one southern man was equal to five northern men, they have advanced boldly into the arena and thrown down the gage of combat. They have thrown down as their gage of battle their cherished institution of slavery. I say here boldly, I accept the challenge; I pick up the glove; I recognise the issue. Let us see who will win and who will lose. I would fight this battle out so long as there is a man, woman, or child at the North capable of lifting a musket or pushing a bayonet! [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. HOWE in the chair.) Order!

Mr. HOWARD. I would make this no child's play; and let me say to gentlemen on the other side, that the rebels in this war from the beginning have been fully in earnest. They have asked from you no favor. They ask no favor of you now. They meet us with a steady, proud, and haughty defiance, a defiance which on the side of justice would be most magnanimous and praiseworthy; and I honor them, not for their cause, not for their wickedness, but for the proud and indomitable spirit with which they have carried on the war. They mean to fight us still. They intend to destroy us and our Government; or, if they fail in this, they expect to be destroyed; and believe me, there will be few of them that will meet their fate grumblingly or with a whine. They are men like ourselves, proud of their position, proud of their honor, proud even of the wicked cause in which they are engaged. You are not to subdue such men by soft persuasions and delicate rose-scented billets-doux. You must meet them with the bayonet, the cannon, and every other instrumentality allowable in war. Never have they exhibited to the loyal people of the United States the slightest consideration or forbearance, and wherever there has been any indication of terms of accommodation with them they have treated it with contempt. They have spit upon the olive branch which we have held out to them, and trampled it under their feet.

But, sir, I am digressing. The Senator from Kentucky says our object is to subjugate

wholly the rebel States, and utterly to revolutionize their political and social system. Certainly we shall revolutionize their political system. That is the very object of the war. What is their political system? A political organization asserting its absolute independence of the Government of the United States, and exerting its military power for the overthrow of that Government. Shall we forbear? Shall we not seek to disorganize this political organization? What does the Senator from Kentucky mean when he denounces against us as a fault that we are attempting to destroy the political organization of the rebel States? Is he friendly to that organization? Does his heart yearn towards it; or is his heart in that condition of indifference which sees as little fault on the one side as on the other!

But he goes further. He says that our purpose is—

“To destroy or banish, and strip of their property, all the pro-slavery people, secessionists and anti-secessionists, loyal and disloyal, combatants and non-combatants, old men, women, and children, the decrepit, and the *non compos mentis*.”

Does the Senator in his calm reflection impute either to the Executive Government or to the dominant party a purpose so cruel, so unnatural, so unspeakably brutal, as the destruction of non-combatants, men, women, and children, the decrepit and *non compos*; or is it rather the blind madness of party spirit which prompts this gross and calumnious attack upon the Government of his country and the loyal party now in power? Charity toward him would lead me to impute the latter motive and not the former.

Again, he says that the purpose of this party and of the Government is—

“To proclaim a mock freedom to the slaves, but by military power to take possession of the freedmen and work them for their own profit; to do all this, and also to enslave the white man, by trampling under foot the Constitution and laws of the United States and the States, by the power of a subsidized Army, and best it!”

That is, the subsidized Army—

“should falter, by hundreds of thousands of negro janizaries, organized for that purpose by the Secretary of War and the Adjutant General.”

If these atrocious schemes are entertained by the Executive Government, as is here indicated, then it would be the right of the American people, the right of any community, to rise in arms against so unjust and tyrannical a Government. “A subsidized army?” Our Army, it seems, according to the ideas of the Senator, is not a patriotic Army; it has not volunteered or taken the field from any patriotic motive, but merely for pay; and “lest,” in the language of the Senator, this Army of white volunteers should falter in prosecuting the war for the purpose mentioned in the resolution, we are to resort to “the hundreds of thousands of negro janizaries organized for that purpose by the Secretary of War and the Adjutant General;” that is to say, the black troops which we have thus far raised and now have in our employment and service are organized for the base and tyrannical purposes mentioned in those resolutions—not for the laudable and patriotic purpose of overcoming the rebellion, but for the purpose of upholding plunderers, spoilsmen, office-holders, office-seekers, and the entire flock of vultures so vividly and angrily described by the Senator.

If all that is said in this series of resolutions be true, (and I am not now discussing the truth of it, for that would lead me into too broad a field,) it would not only be the right, but it would be the duty of the American people, as a free people, not to wait a moment, but to seize the sword of rebellion and insurrection, drive the harpies of tyranny from power, and establish some government that would protect our rights

and our liberties. But it is entirely manifest that under the influence of this blind fanaticism of party, which I fear has too powerful an effect on the mind of the Senator to allow his intellect to have its free and unbiased action, he has been betrayed unconsciously, I hope, into the expression of opinions, and into invocations to civil war and insurrection in which no man in his sane moments would have indulged.

Again, there is another ground of complaint: another premonition of the Senator's purpose, in his second resolution, in which he says:

"So the President of the United States, and the civil and military officers thereof, may commit treason against any State, whose government is in the performance of its duties under the Federal Constitution, by levying war against it, or in adhering to its enemies, giving them aid and comfort, as resisting with an armed force the execution of its laws, or adhering to such armed force, giving it aid and comfort."

The implication is, that whenever the President of the United States shall use the Army or the Navy for the purpose of keeping the peace within any loyal State acting within its constitutional functions, as the Senator says; wherever he shall have occasion to use the military force for the preservation of order, for the protection of the purity of elections, or for the protection of the citizen, he is guilty of an act of treason against the government of the State. It is throwing out before the people the idea that on some occasion—the Senator has not told us what—the President has thus employed the military power of the United States; and that because he has thus employed it he is guilty of treason, and ought to be impeached. This, and nothing short of this, is the fair inference from this otherwise perfectly senseless and gratuitous resolution.

He says further:

"And where, from the presence or apprehension of force and violence or other cause, any election cannot be so conducted"—

That is, according to the laws of the State—

"It ought not to be held at all."

"Where, from the presence or apprehension of military or other violence, an election cannot be so conducted, it ought not to be held at all." Was the Senator aware of the full extent and meaning of this declaration? I trust he was not; but I am not sure. What is the import of the language? Plainly this: that in case an election should be held, say, for instance, in the State of Kentucky, and there was either popular violence surrounding the polls, or just ground to apprehend popular violence, or if there should be a military force of the rebels at the polls, threatening to disturb and to break up the election, then, according to the Senator, the election ought not to be held at all. Sir, what doctrine is this? He would rather see a perfect failure of all elections; he would rather see his State disorganized: no members elected to the House of Representatives or to the Senate of Kentucky; no members elected to the Congress. he would rather see all government fall into ruins than that any military force should be employed at the polls to protect the honest voter, or even to protect the judges of the election in the discharge of their duties. Did the Senator from Kentucky mean this? He has certainly expressed it. A more anarchical sentiment could never have been uttered; a sentiment more incompatible with the object of any Government, civilized or savage; and yet the Senator declares that "where, from the presence or apprehension of force, violence, or other cause, any election cannot be so conducted, it ought not to be held at all."

Mr. President, I have now finished the observations I have felt it my duty to make on this series of resolutions. I look upon them as inviting, in the most direct and

urgent terms, the masses of the loyal people of the United States to rise in insurrection against the Government, and eject from their places the executive officers who now have charge of it, and to institute a revolutionary Government. It is not so? I defy any man to read those rickety and almost crazy resolutions, and not come to the same conclusion. Sir, I think that a gentleman who claims so much credit to himself for profound knowledge of the Constitution, who is so strenuous in the assertion of his respect for law and order, who is so frequent in his imputations against others of failing to entertain a similar respect for them, ought to pause in his career; and I for one, will never agree to permit such sentiments to pass unnoticed or uncensured so long as I have a place in this body.



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